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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,859	09/25/2003	James M. Kleinert	ZM339/03002	9755
22884	7590	11/16/2004	EXAMINER	
MIDDLETON & REUTLINGER 2500 BROWN & WILLIAMSON TOWER LOUISVILLE, KY 40202			WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/670,859

Applicant(s)

KLEINERT, JAMES M.

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09252003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

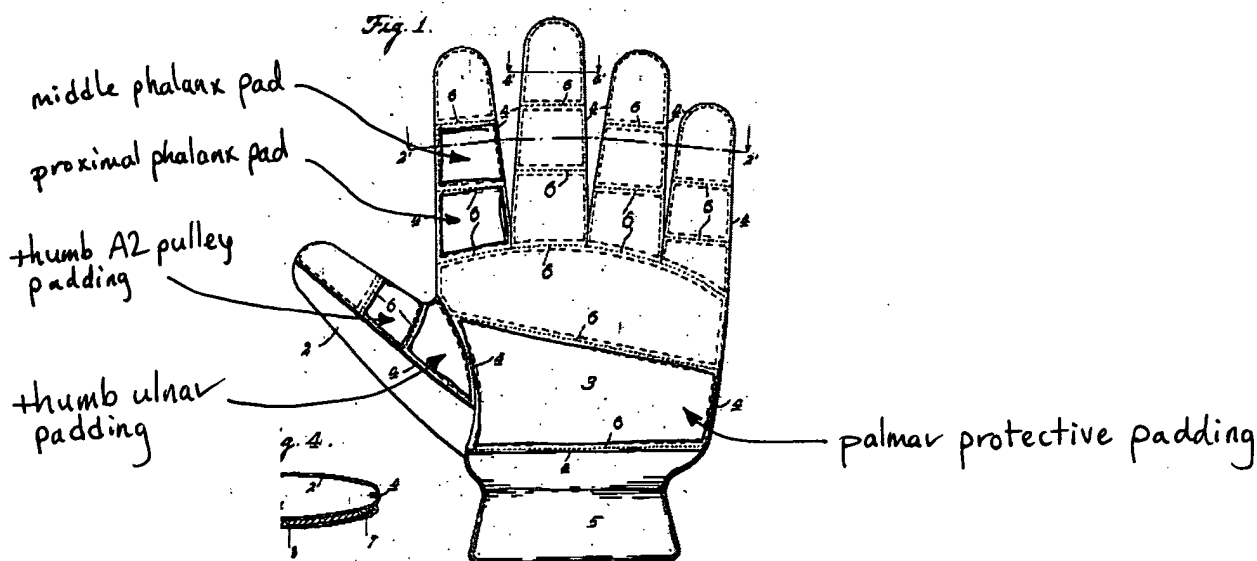
2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold (U.S. 2,083,935).

Arnold discloses a glove comprising: a palmar side panel and a dorsal side panel secured along each panel's outer periphery with an opening therein to receive a human hand, said dorsal side panel being sized to cover the back of said hand and in conjunction with said palmar side panel providing a thumb stall and a plurality of finger stalls for receiving a thumb and fingers of a human hand; a thumb ulnar protective padding disposed along said thumb stall and a palmar protective padding.

However, Arnold does not state that the thumb ulnar protective padding is adapted to be positioned along an ulnar border of the thumb proximal phalanx between the metacarpalphalangeal joint and a proximal interphalangeal joint nor does Arnold state that the palmar protective padding overlies at least the distal halves of an index finger and a long finger metacarpals excluding the metacarpalphalangeal joints of the index and long finger.

As shown in the figure of Arnold, protective padding 3 is positioned in the palm portion of the glove and will overlie at least the distal halves of an index finger and a long finger metacarpals and not overlie the metacarpalphalangeal joints of the index finger and long finger. Furthermore, as shown in the figure, protective padding is positioned along the thumb stall and is adapted to be positioned along an ulnar border of the thumb proximal phalanx between a metacarpalphalangeal joint and a proximal interphalangeal joint.

Note: The intended use of the glove of Arnold is to protect a user's hand from heat/burn via material placed in the pockets 7. However, the glove of Arnold also has the capability of protecting a user's hand from shock and vibration since the cork material has the capability of absorbing impact (see figure below).



With regard to claim 2, a thumb A2 pulley padding disposed along said thumb stall at a location adapted to be over said thumb proximal phalanx between said metacarpalphalangeal joint and said interphalangeal joint.

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With regard to claim 3, a proximal phalanx padding over at least the proximal phalanx of said index finger between the metacarpalphalangeal joint and the center axis of rotation of the interphalangeal joint.

With regard to claim 4, padding covering at least further including middle phalanx the middle phalanx of said index finger above the proximal interphalangeal joint and below the center axis of rotation of the distal interphalangeal joint.

With regard to claim 5, a thumb metacarpal pad overlying the thumb metacarpal between the center axis of rotation of the metacarpalphalangeal joint and the carpometacarpal joint.

With regard to claims 6-10, the invention is disclosed in one or more of the above rejected claims.

### ***Conclusion***

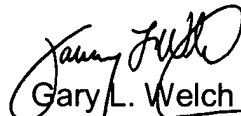
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rawlings '968, Webster '690, Gordon et al. '839, Fabry '799, Mah '809 and Gold '290 discloses various gloves having palmar padding and thumb padding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (703) 305-0451. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw